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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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CARNELLA TIMES and ERVING SMITH, on behalf of themselves and all others similarly situated, and THE FORTUNE SOCIETY, INC.,	:	
	:	<b>No. 18 Civ. 2993</b>
Plaintiffs,	:	
-against-	:	
TARGET CORPORATION,	:	
Defendant.	:	
	:	

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**PLAINTIFFS' SUPPLEMENTAL MEMORANDUM OF LAW IN SUPPORT OF  
MOTION FOR CERTIFICATION OF SETTLEMENT CLASS AND FINAL APPROVAL  
OF CLASS ACTION SETTLEMENT, APPROVAL OF ATTORNEYS' FEES AND  
COSTS, AND APPROVAL OF SERVICE AWARDS**

Class Counsel submit the following update to the Court regarding the settlement administration process, which provides further support for Court approval of this settlement.

The original Notice Period (“Notice Period 1”) closed on September 30, 2019. *See* ECF No. 33. As of October 9, 2019, the settlement administrator, Rust Consulting (“Rust”), received 2,362 valid Claim Forms, no opt outs and one objection. *See* ECF No. 48-3 (Declaration of Ossai Miazad in Support of Plaintiff’s Motion for Final Approval (“Miazad Decl.”) Ex. C

(Schwermer-Sween Declaration) ¶¶ 13, 17, 20-21. Since then, the parties have met and conferred, and agreed to accept 21 late claim forms, bringing the total number of valid Claim Forms for Notice Period 1 to 2,383—or 12.67% of the Class (or 14.05% of delivered notices), which includes 154 Group A Claim Forms and 2,229 Group B Claim Forms.

Further, on October 15, 2019, Rust mailed Court-approved Supplemental Notices to the individuals inadvertently omitted from the original Class List (“Notice Period 2”). As of October 25, 2019, Class Members have submitted no additional opt out requests or objections. Notice Period 2 is set to close November 29, 2019, and the parties will submit a further update to the Court shortly thereafter.

Together, these updated data points further underscore the settlement’s fairness. Class Members have shown substantial support for the settlement and, in turn, no Class Member has opted out of the settlement, and only one has objected. The recovery for Class Members is substantial—years earlier and without the concomitant risks of contested litigation. Moreover, as discussed in Class Counsel’s moving papers, the programmatic relief provided in the settlement is groundbreaking and innovative. *See* ECF No. 43 (Memorandum of Law in Support of Plaintiff’s Motion for Certification of Settlement Class and Final Approval of Class Action Settlement) at 24-25.

For these reasons, and as further discussed in Class Counsel’s moving papers, Class Counsel respectfully request that the Court grant their pending motions for settlement approval.<sup>1</sup>

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<sup>1</sup> Class Counsel also submit with this Motion corrected fees and costs summaries. The fee summary for Outten & Golden, LLP (“O&G”) inadvertently included 2.2 hours attributable to different cases. Removing these fee entries changes the total fees for O&G to \$1,737,217.50, and the total Class Counsel fees to \$1,879,576.10 (a minor difference of \$1,097.00). *See* Miazad Decl. Ex. D (Original O&G Fees Summary); Ex. 1 (Updated O&G Fees Summary). The O&G costs summary submitted to the Court inadvertently categorized one Expert Consultation cost as a Telephone Charges cost. The O&G and Class Counsel total costs had not changed; rather, the

Dated: October 28, 2019  
New York, New York

Respectfully submitted,

/s/ Ossai Miazad

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*Attorneys for Plaintiffs and the  
Settlement Class*

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updated cost summary merely reflects different amounts in the categories of Expert Consultation and Telephone Charges. *See* Miazad Decl. Ex. E (Original O&G Costs Summary); Ex. 2 (Updated O&G Costs Summary).